# THE COURTS, the loans made to him, the Court adjourned till

The Callender Trial-Important Testimony for the Defence.

THE M'GUIRE-STEMMLER CASE.

The Comptroller Refuses to Obey a Court Mandamus.

A Disagreement in the Shaw-Babcock Lobbying Suit.

Judge Donohue, holding Supreme Court, Chambers, yesterday denied the motion in the suit of Banker vs. The Lake Shore and Michigan Southern Railroad Company, to declare null and void his note for \$500,000, given to rescue the road from bankruptcy. The note, he claims, was given when he was mentally incompetent to act intelligently and discreetly through suffering from great

nervous prostration.

The application made on behalf of Mr. Samuel L. Tredwell to compel Mr. Nichols, Treasurer of the Central Branch of the Union Pacific Railroad to allow him access to the books of the company was yesterday granted by Judge Donohue, of the Supreme Court.

Mrs. More, who claims to have truitlessly expended some \$5,000 in the hopes of drawing a prize in the Royal Havana Lottery, according to a decision given yesterday by Judge Donohue, must give a detailed statement of her lottery ticket pur-

An injunction was granted yesterday by Judge J. F. Daly, Court of Common Pleas, at the suit of John A. Macpherson against the administrators of the late Isaac O. Davis, restraining them from selling the seat lately occupied by the deceased in the New York Stock Exchange, and pending decision in the suit any purchase or sale of the same.

#### THE CALLENDER TRIAL.

Charles Callender, indicted for having accepted an alleged bribe of \$76,000 from the Ocean National Bank, of this city, to influence his official action as bank examiner, in regard to the affairs and condition of that establishment, was on trial yesterday, on adjournment, in the United States Circuit Court, before Judge Benedict. AN EX-COMPTROLLER OF THE CURRENCY ON THE STAND.

Mr. Huriburt, ex-Comptroller of the Currency, was recalled for cross-examination. He said the usual custom of closing a bank was to protest a note, if the bank would agree to it. A question was put to the witness as to whether there was not an agreement among the banks to give Mr. Callender a percentage of their assets, but the Court ruled it out, holding it was not material to show what compensation or salary Mr. Callender received, whether it was \$1,000,000 or otherwise. He would charge that if Callender took the money with intent to influence his official action as bank

examiner he was guilty of this offence.

To Mr. Fullerton—I do not remember the details of the conversation I had with Mr. Callender in October, 1871, in Washington, immediately after the Chicago fire, in relation to the affairs of the Ocean Bank; I think he did give me details; I think Mr. Callender's responsibilities were increased in consequence of the Chicago fire. (This question was put for the purpose of showing that in consequence of this fire Mr. Callender's duties were increased, and that this increase of duty would account for his not making a report in regard to the Ocean Bank.) I promised the Chicago banks the aid of the banks throughout the country, and I telegraphed to Mr. Callender to use his best efforts to procure for the Chicago banks the ald of the banks in New York. (A question as to whether Mr. Callender was in the habit of communicating with the witness by letter and by verbal statements in regard to the condition of the banks was ruled out as immaterial).

Mr. Purdy-Q. Can you tell if Callender's arrest increased his responsibilities? Judge Benedict-I do not see how that is mate-

George S. Heacock deposed that he was a clerk in the Park National Bank in October, 1871; he identified two checks, dated October 5, 1871, one for \$10,000, and the other for \$320 83, Which were given by Callender to that bank in payment of principal and interest of balance of a loan-made by the Park Bank on the security of Portage Lake onds, which were surrendered to Callender when the checks were paid.

John Howard Hardcastle, runner of the Nev York State Loan and Trust Company, was the next witness; he identified three checks which had passed through his hands in October, 1871; and Mr. Fullerton offered to show that these checks passed through his hands in October, 1871; and Mr. Fullerton offered to show that these checks were drawn by Callender to take up loans made on the part of the Portage Lake Company; but the Judge ruled it out, saying that the question was, Why did he not report she condition of the bank? It made no matter what Callender did with the money—whether he gave it in charity to the poor, or whether he gave it to the rich, or whether he paid his debts with it—if he took it to prevent him from making a report that would render him guilty.

Mr Fullerton said it was necessary to show what he did with the money to get at the fact whether he used it for a corrupt or a legitimate purpose. Judge Benedict ruled out the offer; but Mr. Fullerton, for the purpose of having the matter right upon the record, offered to show that Callender went to institutions that were not national banks and obtained loans from them on the security of the Portage Lake bonds. The New York State Loan and Trust Company, which was not a national bank, had made loans to Callender on those bonds.

The offer was ruled out.

James E. Tompkins and John T. Hill were the next witnesses. The latter was cashier of the Ninth National Bank in September, 1871. Callender of a loan in that bank; it was given on the security of notes of Alfred Wild and Portage Lake bonds; that loan was partially paid; there is now done \$4,800 on a loan to Mr. Callender; the other loan was paid off by a sale of the Portage Lake bonds made in 1872. A question on cross-examination as to what the bonds brought at the sale was relad out.

loan was paid on by a sale of the Portage lake bonds made in 1872. A question on cross-examination as to what the bonds brought at the sale was ruled out.

To Mr. Fullerton—These loans were made to Mr. Callender in good faith, in the ordinary course of business and without the slightest intention of influencing his official action.

To Mr. Purdy—Had not loaned to any others except Callender on Portage Lake bonds.

John M. Crane, cashler of the Shoe and Leather Bank deposed to a loan having been made by that bank to Callender in July, 1871, on the security of the notes of Alfred Wild and the Portage Lake bonds; at the time the loan was made believed Wild to be perfectly responsible.

To Mr. Purdy—At the time of the loan I made inquires of Mr. Martin, of the Ocean Bank, regarding the Portage Lake bonds and their value, and he told me he thought they were worth fifty cents on the dollar; the loan was made to Callender in the regular course of business, the only exceptional thing about it being that the bank had never beiore been applied to for a loan on that class of security.

Columbus S. Stevenson, ex-President of the Ocean Bank, was recalled, and Mr. Fullerton, showing him certain checks of Callender's, asked him to state particularly the circumstances under which the checks were certified by the Ocean National Bank. This being explained, the witness stated that, in his judgment, the condition of the bank was better in October, 1871, than it had been a year before. The deposits had increased, and this enabled the bank to do a better business.

On cross-examination, Mr. Stevenson said there were some errors in the books, profits being stated in some instances where they were merely imaginary. In reply to a question whether he had ever loan at some instances where they were merely imaginary. In reply to a question whether he had ever loan at some instances where they were merely imaginary. In reply to a question whether he had seen bank as one of a few days. The ledger of the Currency the Ocean Bank cover loaned

THE FIGHTING JUSTICES.

Another Chapter in the Stemmler-Me-Guire Controversy-Argument on the Appeal from the Order Granting a New

The long drawn out litigation over the Seventh Divil District Court Judgeship was supposed to be cally closed by the order of Judge Van Brunt, aranting the application of Judge McGuire for a new trial on the ground of newly discovered evidence. his opponent, Judge Stemmler, was not satisfied, nowever, to let the matter rest here and trust to the chances of a new trial, in view of the character of the new evidence which it was known would be submitted, but appealed from the order, with view, if possible, to having the same set aside. The argument upon this appeal took place yesterday, in the Supreme Court, General Term, before Judges Davis and Daniels. The interest shown in the case was evident from the large crowd present. Both the rival contestants were in attendance, accompanied by their large array of respective counsel. The argument occupied nearly the whole day, which, after all, was not so very long a time to take considering that the case has been in higation for over

Mr. Waterbury opened the argument for Stamm ler. He insisted that the affidavit upon which the new trial is asked furnishes only comulative evidence, and that a new trial should not be granted if the newly discovered evidence only tends to orove or disprove facts controverted at the time, sits second point was that a new trial will not be granted when the new testimony given or the character of a witness sworn on the trial, or when the character of a witness sworn on the trial, or when the character of a witness sworn on the trial, or when the character of a witness sworn on the trial, or when the character of the proposed witness is bad. It is final point was that the pretended newly discovered evidence is not only insufficient to sustain the motion for a new trial, but if one were to be had it would have no bearing upon the same to be tried.

Ex-ludge Beach, in reply for Judge McGuire, stated that the object of the appeal was not clearly perceptible to counsel on the other side. Upon the entry of judgment in have of Mr. Stemmher the latter entered into possession of the office, and upon the writing of the order setting saide the judgment his title fell and Judge McGuire resumed the position he had so soly and efficiently filled for more than three years. An absolute stay would not have reinstated Mr. Stemmher's title. The judgment upon which alone it rested was vacated. No form of stay could bestow any right upon Mr. Stemmher. Having no judgment, he had no color of thic. He then proceeded to argue that the order is not appealable. The matter was addressed to the discretion of the Court. In this case the discretion of the Court was wisely exercised. Mr. Stemmher could not fill the office. If Judge McGuire was excluded the office would have been vacant to the detriment of public interests. The anomaly would have been presented of an officer, alter three years of lathnul official service under clear evidence of lawful election, evicted from possession upon an order staying proceedings upon an order. He next discussed the two questions suggested by the appeal. First wheeter the new evidence is cumulative, new trial is asked furnishes only cumulative evidence, and that a new trial should not be granted if the newly discovered evidence only tends to

## GOING FOR GREEN.

He Refuses to Obey a Court Mandamus Asking an Attachment Against Him. Periodically the various courts have granted mandamuses against Comptroller Green, and althese court mandates, or, as a counsel put the case, treated them as so much waste paper. When the matter reaches the alterna-When the matter reaches the alternative, however, of going to Ludlow Street Jail, with the possible addends of a fine or compliance with the order, he yields. His last disoledience of a court order was in the case of John N. Outwater, who has a claim for \$11,887.50 for services in copying and examining the taxes and assessment rolls for the year 1871, under the direction of the Board of Supervisors. After he had completed the work his bill was duly audited by the Board, but the Comptroller refused to pay it. The result was an application at special term of the Court of Common Pleas for a writ of peremptory mandamus against the Comptroller directing its payment. The mandamus was peremptory mandamus against the Comptroller directing its payment. The mandamus was granted on the ground that the Board of Supervisors was a judicial body and its action final. An appeal was taken by the Comptroller to the General Term, which affirmed the order, with costs. This did not satisfy the chief of the Bureau of Finance. He carried the case to the Court of Appeals, where the order was reaffirmed, with another instalment of costs adned, \$112 being the costs allowed by the latter Court. Mr. West, counsel for Mr. Outwater had the judgment entered personally against Mr. Greene and applied for payment of the claim, amounting to some \$44,000, including interest and costs. Mr. Greene heither heeded tho mandamus nor the application.

Thus the case stood yesterday, when, the patience of coansel, to say nothing of his client, having become exhausted, the former applied to Judge J. F. Daly, bolding Special Term of the Court of Common Pleas, for an attachment to be taken out in the Sheriff's Office against Comptroller Green. Judge Daly did not grant the attachment, but did grant an order to show cause whly an attachment should not issue against him. The order was made returnable on next handay.

of Oyer and Terminer.
The case of Lawrence H. Curry against Andrew H. Green was argued yesterday in the Court o Appeals by counsel on behalf of the officers of the Court of Oyer and Terminer. In 1871 the Board of Supervisors audited and allowed the claims of the officers of the Over and Terminer, and in 1872 the classiature passed an act directing the payment of the claims, as the same should be audited and allowed by the Board of Apportionment and Audit, created for that purpose. A writ of peremptory mandamus was issued by Judge Leonard, before whom the case was heard, directing the Board of Apportionment and Audit to audit and allow the claims, as the same were previously audited and allowed by the Board of Supervisors, and this case was brought to the Court of Appeals as a test case.

It was argued on the part of the officers' claims by their counsel, Mr. H. C. Denison, that the action of the Board of Supervisors in the matter was a final and judicial determination of their claims and conclusive on the Board of Apportionment and Audit, and that they were bound by their decision and should be compelled to audit and allowed by the Board of Supervisors, and that no re-audit was necessary. Legislature passed an act directing the payment

was necessary.

It was claimed on the part of the Board of Apportsonment and Andit that under the act creating them they were bound to follow the law, and that the act gave them the right to re-audit and review the decision of the Board of Supervisors.

The Court reserved its decision.

## BUSINESS IN THE OTHER COURTS

SUPREME COURT-CHAMBERS.

Decisions.

By Judge Westbrook.
Elias vs. Elias. -- Memorandum.
By Judge Donodue.
Barnes vs. Morgan, William vs. Tillinghast. Barnes vs. Morgan, William vs. Tillinghast.—
Memorandums.
Fritz vs. Menshousen, Dusenbury vs. Callaghan,
Fourth National Bank vs. Wiess et al., Lupton vs.
Smith, Barker vs. Lake Shore and Michigan Southern Bailroad Company et al., Ross vs. Hinman,
trim vs. Marsh, Lightstone vs. Schmidlin, Walter
et al. vs. Holmes et al.—Motions denied.
In the matter, &c. Bonney; in the matter of the
Rector of All Saints' church, Bulger vs. Gerdom.—
Orders granted.
Whiting, Jr., vs. Curner.—Reference ordered.
Philips vs. Wicks, Moure vs. Taylor.—Motions
granted.
King vs. Laria.—Allowance to counsel.
Treadwell vs. Pomeroy.—Granted.

SUPERIOR COURT-SPECIAL TERM.

Decisions. By Judge Van Vorst.

Dille vs. Dille, De Graaf et al. vs. Mackiniey,
Beyer et al. vs. Askins impleaded, &c.—Motions
granted.

Swedish Evangelical Lutheran Church vs. Wairath.—Order granted and signed.

Kagowsky vs. Falk et al.—See memorandum. Anstig vs. Lustig.—Motion granted as per mem-

By Judge Sedgwick.

O'Brien, Sheriff, vs. Commercial Insurance 'Com-

COMMON PLEAS-SPECIAL TERM. The Legislative Lobbying Case.

Before Judge J. F. Daly.

The jury having falled to agree on a verdict in the suit brought by C. P. Shaw against M. Babcock

to recover \$11,000, claimed to be the balance due for services in getting inserted in the tax levy, of 1869 an item of \$65,000, in payment on contract of 1829 an Rein of \$65,000, in payment on contract for the Battery extension, has left the way open for a new trial. Preliminary to a retrial of the case a motion was made in this court, by Mr. H. L. Clinton, counsel for the defendant, or leave to amend the answer so as to make it conform to the testimony of Mr. Shaw and Mr. Culver. Mr. shaw opposed the application in person. He spoke foud and long, and when he had finished Judge Daly took the papers. Decisions.

By Judge J. F. Daly.
Wilson vs. Titton.—Ailowance of two and a half per cent granted. Gross vs. Bouton.-Motion granted, without

By Judge Larremore.

Bowne vs. O'Erien.—Case settled.

By Judge Robinson.

The People ex rel. McNamara vs. Board of Estimate and Apportionment; The People ex ref. Gil-lespie vs. Green, Comptroller.—Motions denied, without prejudice and without costs.

## GENERAL SESSIONS-PART 1.

The Sarner Alleged Perjury Case. The trial of Julius Sarner, indicted for perjury, was resumed yesterday, occupying the whole of

District Attorney Rollins recalled Mr. Sheldon the Fire Marshal, for the purpose of refuting statements made by Julius Sarner during his pro-tracted examination on the previous day. Ex-Recorder Smith then proceeded to sum up the case for the defence, and addressed the jury the case for the detence, and addressed the jury till a late hour last evening.

District Attorney Rollins will address the jury this morning after which Judge Suther and will deliver his charge.

GENERAL SESSIONS-PART 2. Trial of Given for the Murder of Policeman Gibney.

Before Recorder Hackett. A jury having been secured this morning, the trial of John Given, the watchman in the employ of the Department of Docks, charged with the murder of Onicer John Gibney, of the Pirst precinct police, near the Battery, on the night of the 25th of April last, was proceeded with. There were only three witnesses for the prosecutionwere only three witnesses for the prosecution—Adam Halk, a watchman for the Dock Department; John Holland, one of the Harbor police, and George Conners, the policeman, of the Twenty-seventh precent, who took the prisoner into custody after the shooting. Mr. Halk testified that he was present in the room on the dock at the time of the occurrence and saw the prisoner take the pistol out of the drawer and fire the shot just as the deceased was entering the room. Mr. Conners testified that the prisoner admitted to him that he had shot deceased. A few witnesses were examined on the part of the defence to show the previous good character of the prisoner. The main defence will be brought forward to-day.

#### SPECIAL SESSIONS.

A Disorderly House Closed. Before Judges Otterbourg, Sherwood and Smith. On charges from Captain Williams, Effic Morton terday as being the owners of a disorderly hons in Houston street. They pleaded not guilty and were ably defended. Effic was fined \$125 and sent to the Island for one month. Gill was fined a like amount and was sent up for three months.

> TOMBS POLICE COURT. Ah Fung in Trouble. Before Judge Flammer.

An Fung is from Pekin; his wife is from Drog. heda. He is a Confucist; she is a Roman Catholic. Heated discussions on the relative merits of Con-fucius and St. Peter have served to dissolve the sympathy which the couple swore to maintain Ah Fung smokes opium and is not a strong man Ah Fung smokes optim and is not a strong man, Mary washes clothes and is a strong woman. Yesterday sile gave Ah Fung what sile called a "walluping," which, in good English, embraces two black eyes and a broken nose. Ah Fung responded with a lackknille and stabbed Mary several times, Judge Fiammer committed him to answer in de-

#### ESSEX MARKET POLICE COURT. An Unprofitable Boarder.

Before Judge Kasmire.

Morris L. Fiechner has been boarding with Mr.

and Mrs. Levy, of No. 196 Stanton street, for the past three weeks. As alleged by Mrs. Henrietts Levy, he left her house suddenly about five o'clock yesierday morning and carried away \$50 worth of jeweiry belonging to her with him. He was afterwards arrested by Officer O'Connor, of the Eleventh precinet, and brought before Judge Kasmire. Fiechner was held in \$500 ball to answer. Robbery on Shipboard.

Some time ago Abner Walters, of the schooner aran S. Merritt. lost a pistol and some clothing The missing articles were yesterday found in the trunk of Eibert Crawford by Officer Wood, of the Thirteenth precinct, who arrested him. Crawford was held in \$500 ban to answer at Special sessions and the complainant was committed to the House of Detention.

## JEFFERSON MARKET POLICE COURT. Stealing a Watch.

Before Judge Morgan. Emeline Smith, of No. 341 West Eighteenth treet, was arraigned for stealing a gold watch, the property of Nancy Tuttle. Lavinia Moore, residing in the same house as the prisoner, averred that she saw her secrete a watch belonging to Nancy Tuttle. Emeline Smith was held to answer at General Sessions.

## COURT CALENDARS-THIS DAY.

142, 10.

SUPREME COURT—UIRCUIT—Part 1—Adjourned for the term. Part 2—Held by Judge Van Brunt,—Nos. 1982, 2550, 3296, 2296, 2432, 1235, 1298, 1292, 2504, 3474, 3256, 3228, 2332, 3242, 3268, 1932, 2716, 2270, 348, 3308, 3328, 3252, 3323, 3214, 8182, 2362, 3368, 3328, 3252, 3363, 3214, 2632, 3264, 2678, 3414, 2524, 3438, 3212, 2822, 3049, 3475, 3070, 3420, 4812, 2940, 3410, 3370, 3404, 3402, Part 3—Adjourned for

2940, 3410, 3370, 3404, 3402. Part 3—Adjourned for the term.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Curtis—Short causes.—Nos. 1637, 1250, 1671, 1803, 1672, 1724, 1780, 1780, 1778, 1770, 1756, 1816, 1881, 1639, 1472, 1440, 1717, 1776, 1709, 1706, 1788, 1790, 1708, 1303, 1740, 1800 Part 2.—Adjourned for the term.

COURT OF COMMON FLEAS—THAL TERM—Part 1.—Adjourned for the term.

MARINE COURT—THAL TERM—Parts 1 and 2—Adjourned for the term. Part 3—Held by Judge Spaulding.—Nos. 4793, 5255, 3954, 5014, 4558, 5005, 5068, 5067, 5070, 5070, 5073, 5074, 5075,

term.

COURT OF GENERAL SESSIONS—Part 1—Held by
Judge Sutherland.—The People vs. Julius Sarner,
perjury. Part 2—Held by Recorder Hackett.—The
People vs. John Given, homicide.

COURT OF APPEALS CALENDAS.

ALBANY, May 28, 1874.

The following is the Court of Appeals day calendar for May 29:—Nos. 24, 39, 31, 52, 34, 47, 48, 49.

## BROOKLYN COURTS.

Judge Pratt, of the Supreme Court, yesterday heard a motion in the divorce suit of Mrs. Field vs. Thomas W. Field, Superintendent of Public Instruction, to allow the defendant to visit ber daughter pending the suit. The hearing was priwate, the reporters for the press not being allowed to be present. There was no decision announced. Judge Benedict, of the United States Court, having appointed Charles Jones assignee of the South Side Railroad Company, Mr. Jones yesterday filed his official bond and took charge of the property of the company, it is said that no changes will be made in the management of the road.

## SUPREME COURT-SPECIAL TERM. Ex-City Treasuren Sprague's Suit Against

Before Judge Barnard. The suit of ex-City Treasurer Cortlandt A. Sprague va. the City, the Brooklyn Trust Company, M. T. Rodman and others, was commenced before Judge Pratt, without a jury, yesterday morning The suit is brought by Sprague to recover the falcations were discovered in his office. Sprague, it will be remembered, was tried for embezzlement and acquited.

In the present suit the plainting is endeavoring to throw as the guilt upon M. T. Rodman ex-

deputy treasurer and secretary of the Brooklyn Trust Company. Mr. Sprague claims that when he discovered that Rodman was a defaulter as deputy treasurer, under an honest but mistaken idea that he was liable, and by the advice of the Trust Company legal adviser, he delivered up the property in question to the Comptroller, to make good the loss which the city had sustained. Subsequently he ascertained by the examination of the books of the Trust Company that he was not a defaulter, but that M. T. Rodman, the cashier of the company, was the guilty party. Hence the present suit. The action was against the city of Erooklyn, but the Trust Company and the other defendants were impleaded. Subsequent to bringing the suits, the city called on Sprague's sure des make good the deficiency on his official books, and Messys. Olwell and Multord gave their acter for \$21,000 cach, which became due on January 4.

These sureties along that their notes were produred by threat and dures, and under a mistake, and asking for reflet, that the notes may be delivered up in event the planning gains his suit.

The testimony in the case is about the same as upon Sprague's trial for emoczziement. The trial will be continued to-day.

## ANOTHER POLICE OUTRAGE.

Commissioner Gardner's Gallantry to Woman-Treatment of a Respectable Woman by a Patrolman.

Mrs. Louise O'Neil, a very quiet looking lady, complained yesterday afternoon before President Gardner, at the Police Trials, that she had been grossly insulted by officer Cornelius O'Brien, of the Seventh precinct, on the night of the 13th inst., while waiting for a car, and then socked up all night for daring to remonstrate with him on his conduct. Mrs. O'Nell's story, which was corroborated by her husband and core unmistakable evidence of truth, was as iollows:-On the night in question she had been out spending the evening with some friends in company with her husband. They had left the house of the friends and were going along Montgomery street. While waiting for a car Mr. O'Neil. lesiring to cross the street, allowed his wife to remain. After walking two blocks the lady passed Officer O'Brien and a man to whom he was talking. The policeman addressed her in insulting terms, but the lady passed on without noticing him. Th policeman and his friend followed her and again endeavored to get into conversation with her. Mrs. O'Neil, at length leeling annoyed Mrs. O'Neil, at length leeling almoyed at these persistent attacks, threatened to call her husoand. O'Brien laughed at her, saying she had no husband and it was all right. The policeman's companion took his cue from this, and birs, o'Neil was getting well abused by both when a car drove to the spot and her husband jumped off the platform. He told the odicer he was the lady's husband, and expressed his amazement that a man wearing the uniform of a noticeman spouls.

officer he was the lady's husband, and expressed his amazement that a man wearing the uniform of a policeman should in the streets. O'Brien brandshed his cibb and threatened to lock them ap. Mrs. O'Neti missed that her husband should go to the station house and make a complaint. O'Brien became exasperated and he arrested the lady and dragged her to the station house. His companion, who is engaged in the business of selling liquor in therry street, went to the station house with them to corroborate the tale of his infimate. President Gardher dimissed the compainant on the spot, to the smartenet of all the people present, who naturally and justly expected to see the officer reproved, it not dismissed.

The Police Magistrate had dismissed the complaint and advised the unsband to go before the Police Board. The policeman and his friend declared they thought the woman was drank at the time, and the sergeant who took the complaint against her and locked her up shared their suspicion. Mrs. O'Neil offered at this point to prove to the Court by the persons at whose house she had spent the evening in question that she was not only perfectly sober, but had drank nothing during the evening. President Gardher peremptorily dismissed the complaint, paying no attention to fire.

The O'Neils here at No. 145 Pearl street. He is employed as a porter in a wholesale tobacco warehouse, and his wife is janitress of the Journal of Commerce Building.

## THE IDAHO.

On the Dry Dock-No Damage Done-The Official Inspection to Take Place To-Day-Captain Moore Dismissed Carclessness.

The steamship Idaho went on the Erie dry dock, at Red Hook, yesterday alternoon, but was not clear of water until six o'clock in the alternoon The inspector of the English Lloyds and the New York underwriters will make their official examination this morning, but enough was seen of her last evening to show that she is in a perfect state and has not been in the least damaged by her mishap. This was, indeed, known before she went on the dry dock, but the owners determined to have a thorough examination made, not only to satisfy the underwriters but the public at large, who might have some doubts were not a who might have some doubts were not a regular examination made. As she went on the sandbank at Fire Island sideways, and she is a flat bottomed ship, it had been evident to those connected with her that she was not hurt. The flat that she did not draw any water subsequently went skill urriher to prove this. However, any doubts will be settled by the official inspection today, and, in case of a favorable decision, she will be immediately taken back to her pier. The company lay the blame of the whole accident npon Captain Moore, in command of the Idaho, and the pilot is held blameless. The Captain, it is said, should have heaved the lead and taken soundings, it is always imperative to do so. Captain Moore says that all his hands were alort ruring sails and he had the leads all ready to heave when the ship struck. This excuse is not accepted by the company and Captain Moore is dismissed from its employ. He takes the Idaho back to England, and then his connection with the line ceases. He will also andergo a regular trial before the Board of Trade in Liverpool for unseamanlike carelessness. The company lay the blame of the whole acciden

THE BEAUTIES OF RECONSTRUCTION. (From the Charleston News.) Columbia Union endeavors to make its readers believe that the owners of the 2,000 pieces of real estate in Charleston, were forfeited to the State last week. could have paid their taxes if they would, and that they were "unable to pay simply because they were unwilling to pay, and for no other reathey were unwilling to pay, and for no other reason." Perhaps it will say the same thing of the 30,000 acres of land which were forfeited to the State for taxes in Richland county. The simple truth is that the owners of the property have, hoping against hope, paid the taxes as long as they could beg or borrow the money to do it with. It is an absurdity to suppose that any man would give up his property while he was able to retain it. The Union also suggests that the heavy debt of the city of Charleston was the cause of the long roll of forfeitures here; but it knows, or ought to know, that the lorfeitures were for State and county taxes alone.

## AMERICAN SUNDAY SCHOOL UNION.

Semi-Centennial at the Broadway Tabernacle-Interesting Exercises.
The semi-centennial anniversary of the American Sunday School Union took place last evening at the Broadway Tapernacle. An audience tended, and the exercises were conducted with the utmost enthusiasm. George R. Stuart, of Philadelphia, presided, introducing the speakers with his well known aprness on such occasions. A special feature of the celebration was the music, which was rendered by the choir of the Tabernacie church. Mrs. Marion Christopher presiding, the choir ocing increased by an additional chorus. The proceedings opened with an organ voluntary, followed by "The Heavens Are Teiling," from Haydn's "Creation," which was sung by Miss Kate E. Stark, Miss Patit Hargreaves, Mr. George G. Rockwood and Mr. Jules G. Lumbard, with chorus. Then there was a prayer by the Rev. R. S. McArthur, and this was succeeded by the hymn "Saviour King," from the "Songs of the Sanctuary." At a later part of the exercises "The Marvellous Work," from "The Creation," was sang by Mrs. Emma Watson Doty, with chorus. The exercises were also interspersed with several hymns, in which the large audience joined. The speakers were Mr. Stuart, the Chairmant Stephen Paxon, Martin B. Lewis, F. G. Ensign, Rev. John McCullagh, Rev. B. W. Chedkaw and Rev. William Ormisson, D. D. All the addresses were delivered on the differen minute man and consisted chicaly of highly interesting Stories of the pioneer work done by the American Sunday School Union. church, Mrs. Marion Christopher presiding, the

## THE SOCIETY OF PRIENDS.

The Society of Friends Continued their session yesterday in the meeting house in Rutherfurd place. As usual throughout the meetings the hall was crowded. The report from the joint hall was crowded. The report from the joint representative, committees was received, in which they recommended the adoption of a memorial to Congress asking for the suppression of the sale of intoxicating beverages, and addresses in support of the recommendation were delivered by members of the Society present, after which the report was received and the recommendation adopted. Addresses were then made advocating measures of arbitration as a means of preventing war.

## THE CHURCH COUNCILS.

The Presbyterian General Assembly-Resolutions Favoring Union Between the Synods of Missouri.

Sr. Louis, May 28, 1874. The most important event which has thus far taken place in the Presbyterian General Assembly was the reception this morning of an overture from the Revs. James H. Brooks, John F. Philitps and William Chrisman, a committee appointed at the recent conference of Presbyterians con-nected with the Old School Synod of Missouri. The overture related to the action of the General Assembly of the Oid School, and which subse quently led to the division of the Synod of Missouri in 1866. It stated that they were instructed to enunciate distinctly and frankly the principles held

enunciate distinctly and frankly the principles held by those whom they represented, and if, as they believe, the same principles were held by this General Assembly, there is nothing to prevent those more fraternal relations which they long to see securely and permanently established.

Dr. Crosby then offered a response as follows:
— Whereas certain brethren beinging to the Old School Presbyterian synot of Miscouri have overtured this Assembly, stating their principles regarding plenary inspiration of the Scriptures, and the proper jurisdiction of church courts in things ecclestastical only, and in these according to the Werd of God, together with their firm adherence to one confession of faith, extechisms, form of povertiment and of Book of Discipline.

Resolved, that this Assembly cordinity accept this overture as exhibiting the principles of the Presbyterian Church in the United States of America and consider all actions of the Church in the past, if any, which may have been done contrary to these principles to be null and void.

The response was received with long continued.

have been done contrary to these principles to be nufl and void.

The response was received with long continued applause, Judge Drake obtained the floor and moved the adoption of the report. After some remarks, in which earnest hopes were expressed that the adoption of the report would be mannimous, a prayer was offered by Father Hunt to direct the assembly to vote aright, hymns were sung and many were affected to tears.

A vote was then taken on the adoption of the report, and it was unnulmous.

On motion of Dr. Brecknridge a committee of seven was appointed to inquire into the expediency of appointing a delegation to meet the next General Assembly of the Presbyterian Caurch South, in St. Louis, next year, and to carry greetings and fraternal love.

A recess was then taken.

#### The Camberland Presbyterian Assembly-The Committee on Union Discharged. ST. LOUIS, Mo., May 28, 1874.

In the Cumberland Fresbyterian Assembly yester-day, it was decided to locate the publishing house in Nashville, Tenn. Almost the entire day was devoted to discussing the question of organic debute was very earnest and animated, and there was much parliamentary strategy employed. Rev. M. Bowman, of Tennessee, asserted his determination to withdraw if the union was effected. Dr. McGlumpy and others arged that the existence of the Committee on Union unsettled the neople and unfavorably affected denominational interests. At a very late hour last night a vote was taken on discharging this committee and it was carried. This action ends the whole matter in this body, for the present at least.

## NEW JERSEY EPISCOPAL CONVENTION.

General Satisfaction Over the Division of the Diocese-A Warm Debate on Ritualism-Final Adjournment.

The action of the New Jersey Episcopal Diocesan Convention in declaring for a divison of the diocese by the overwhelming vote of 97 cieries and laymen to 21 was yesterthe main topic of discussion throughout Episcopatian circles in the State, and, in spite of the strong minority arguments against it, was warmly approved by the great mass of parishioners. The main argument against the measure was the additional cost which a second bishop would entail on the parishes, some of which are now quite poor. The carrying of the measure, therefore, is pointed to with pride by its champions as the best evidence possible that New Jersey Episcopalians consider the question of saving souls paramount to the saving of the dross that perisheth-dollars and cents. It was well on towards midnight when the vote was reached, as recorded in yesterday's HERALD. The General Convention meets in October, when the division, which has now met the approval of two successive diocesan conventions, will undoubtedly be ratified and the necessary instruction given for the election of the new bishop. The dioceses will be known as those of Newark and Burlington. The first will consist of the seven northern counties of sussex, Warren, Morris, Passaic, Bergen, Hudson and Essex, together with the township of Summit, in Chilon county; the other fourieen comprising Burlington. In the former there are:—

Churches, self-sup-portins 47 Baptisms. Clergy 58 Condrined Communicants 5,347 Offering. -and in the latter :-Churches, solf-sup-porting 42 Eaptisms, Communicants 5,67 Offering 5

Was sienderly attended. The chief feature of it was a lenderly attended. The chief feature of it was a very animated discussion on ritualism and the memorital introduced on the first day of the Convention by Rev. Dr. Schuyler. After the appointment of a committee, consisting of Rev. Dr. Boggs. Rev. Mr. Pethit, and Messra. Garthwatte. Daniel bodd and Charles Minor, to prepare the necessary documents to bring the diocesian division matter before the General Convention. Rev. Dr. Schuyler took the floor and began a strong argument in support of his anti-ritualistic resolutions. He declared that the question was not one of advanced ritual nor of ecclesiastic adoration, but of ritual uniformity—of respect for law and authority. Pastoral letters had failed to win obedience. Those who advance into excesses and those who sink into defects are responsible, and against such the resolutions alike invershed. The Long Island Convention had adopted similar resolutions, He referred to the Bishop's charge, six years ago, on the lawlessness of self-will, delivered in view of the Tynr-Stube case. The time had come, he declared, when the same remedy of cauon law then recommended should be applied to the other wing of the Church.

A Suspirium

was introduced by Rev. Mr. Goldsborough, as fol-Whereas the last General Convention has legislated on the subject of allegod irregularities in the celebration of divine service, this Convention considers that no further agitation of that matter by the General Convention is expedient or advisable.

expedient or advisable.

In support of his substitute Mr. Goldsborough declared his belief in the real presence, though not in the corporeal presence. He had been a clergy-man forty years, and believed now that if he could bring souls to christ by an ornate service he should not be interfered with.

Another substitute was offered by Rev. Mr. Farringdon.

Another substitute was offered by Rev. Mr. Farringdon.

A GENUINE SENSATION.

was occasioned by the Rev. Dr. Nicholson, of Trimity Church. Newark, who, in the course of a vigorous anti-ritualistic speech, brought the matter home to Grace Church. He, too, loved toleration, but there should be a limit. "They tell us," said he, "that three years ago irregularities existed. They asked the General Convenion to pass a canon prohibiting the carrying of a cross—is that done or not the use of lights about the holy table when not necessary—behold, gentlemen, look!" and the reverend gentleman pointed to the altar of the church in which he stood, whereon stood two large candlesticks with long wax candles in them, and other High Church altar table appanages. Sone, he said, were by these things prevented from attending worship in Grace Church at the opening of the convention,
When he entered the church he saw no such diversities in services. Now, no one could enter ene of these new lashioned churches and understand the service. It was time for action. There are doctrines symbolized which are not in accordance with our standards. The principle of the Eucharistic adoration and the so-called real presence were lately condemned and declared not to be doctrines of this church in the Bennett case. If the real prosence were the doctrine, loyalty to his master would compel him to leave it. He finds no such doctrine in Scripture. There is a real presence, not in the elements but in the heart of the receiver. Their charch in her articles teaches no other real presence.

After considerable further debate the following substitute, offered by Rev. Dr. Garrison, was offered and carried by a vote of 34 clerics to 24, 17 lay to 11.

Resolved, That the following be adopted as a minute of this Convention, and a copy thereof be transmitted to

offered and carried by a vote of 34 cieries to 24, 17 lay to 11.

Resolved, That the following be adopted as a minute of this Convention, and a copy thereof be transmitted to each nouse of the General Convention:

The churchmen of New Jersey have received with dutiul reverence and with very great satisfaction the wise words of their Right Reverend Fathers in the pastogal letter of 18T touching the subject of rimal.

The Diocesan Convention in this its ninety first annual session adopts those words of the bishops as the expression of its own conviction, to wit:—

1. That 'what is known as ritualism is mainly a question of taste, temperament and constitution until it becomes the expression of detrine?' and

2. That whateoever 'ittual of posture' there may be 'lately introduced among us, which undoubtedly inculcates and oncourages what is known as Eucharistic adoration, finds no waterant in our office for the administration of the circle inspired by the goodly counsels of the bishops in their pastorate, the churchmen of New Jersey rest assured of what they carnestly desire, that whatever ever action the General Convention may deem it wherever action the General Convention may deem it wherever house.

A resolution was offered by Dean Rodman requesting the Bisnop, in view of his ill health, to take six months entire rest from work and directing the trustees of the Episcopal fund to appropriate to him \$1,000 for the purpose, and the Conyentian adjourned or the purpose, and the Conyen-

PILGRIMS IN ROME

Visit of the French Pilgrims to the Vatican.

THE POPE'S ADDRESS

Universal Suffrage Condemned as Universal Illusion.

[From the New York Tablet.]

On May 5 the French pilgrims now in Rome delivered an address to the Holy Pather, which was read in their name and in their presence by the Viscount Damas, President of the General Council of Pilgrimages. Many of the chief notabilities in the religious, political and social world, who were n Rome at the time, were present. The burden of the address of the pilgrims was a prayer for peace, a peace that the whole world cried out for, and that could only come by a return to the paths of religion, whose centre was Rome. A contrast was drawn between the France of Charlemagne and the France of to-day. The address concluded with "the cries dear to the hearts of all Christians"-"Long live the Pope ! Long live the Infal lible Teacher! Long live Pins IX !"

His Holiness immediately made the following impressive response, which affected all present

No sweeter word could strike upon my ear and heart than that which you have just pronounced—peace. All together, you and I, and I with you, desire peace; but in order to obtain this blessing, that comes directly from God, it is necessary to employ the means that give peace. In every age, at the approach of war or internal dissention, the Powers have songht aliances; and even m our day, in the midst of the universal disorder of society, the Powers, in the secret of their cabinets, seek alliances. The conquerors, whether just or unjust, seek them in order to preserve that which they have won or usurped; while those who have lost all or a portion of their territory, seek them also, that they may regain their autonomy—as the word goes to-day—a word originally Greek, which has been usurped also, like a hundred others. Pardonale their, Would to God that with Greek words so many men had not adopted at the same time "Greetan fathe". In fine, we also ought to seek allances that may sustain us in the midst of a multitude of disturbances. But where shall we find them? Among the Powers? These are avowed enemies, those doubtuit Briends, and others well meaning enough, but powerless. Let us, then, leave the secret cubinets to do that which they believe their hest. Let us leave the dead to bury their dead, and the world to deliver itself up as prey to the disputes of the worldly. Let us seek stronger aliances than these; let us seek them at the leef of thim who has yoked to his trumphal car meworld, hel and death. It is that great Conqueror, the Emperor of emperors, the King of kings, who has cried out, and who does so still at his hour, "Conjutto, Ejo cio meantain; have confidence in me; I have overcome the world," I have overcome it by my faith; i have overcome it by my apostes; fovercame it octay, and i will overcome it by my faith; in the owner, and i will overcome it by my capture, and i will continue to repeat to the end of ages. Yes, previous to yielding up their fift they will end on the ministers of God in the minist

them the event of His passion, and penetrated their souls with so ardent a love that they were constrained to cry out together:—"Nonne cor nostrum ardens erat in nobis?" (was not our heart burning within us?) The apostles, assembled together, were speaking of Jesus, and Jesus presented Hinself in their midst with this celestial salutation, "Pazi coois?" (peace be to you.] The Marys going to the sepulchre were speaking also of Jesus, and Jesus-coming to meet them addressed to them the sepulchre were speaking also of Jesus, and Jesus-coming to meet them addressed to them them that I have risen again." Such, therefore, are the certain means to obtain so powerful an alliance, which assures us the protection and, I will say further, the frieudship of the king of Kings—to be with Him, to speak of Him, to love Him, to do His noly will. But am I deceived? Or is not this precisely what is happening at this very moment in France? They speak of Jesus Christ, do those pious and aumerous pilgrimages to the different sanctuaries. They speak of Him, those tribunals of penitence around which press in crowds a was multitude of souls, desirous of clothing themselves again with the old and pure garment of grace. They speak of Him, those encharistic banquers, which reunite so many souls hungering after the bread of the strong, and which are arranged—"quasi novelus officiarium in circuitum mentat." (like young olive plants are they round about the taute.) They speak of Him, do hose missionaries who range the world sustained by the charity of the faithful, in order to spread abroad His reign. They speak of Him, do hose missionaries who range the world sustained by the charity of the faithful, in order to spread abroad His reign. They speak of Him, do hose missionaries who range the world sustained by their generous gitta provide the faithful, in order to spread abroad His reign. They speak of him a conservation of the faithful, in order to spread abroad His reign. They speak of him, do not his provide him of the world speak of the f

hes a plague destructive of social order, and which would, if it had its right title, be called universal illusion.

And now I lift up my hands and bless you. It bless you for the journey which you have undertaken. I bless you for coming here mil of faith, to the presence of this poor vicar of Jesus Christ. Going back to your homes, carry with you my blessing for your families.

May the little children, the adults and those also who, having good parents, have, neverthings, their minds clouded by cartain thoughts drawn from evil sources, be blessed. May the benediction of God shed that light upon them which may lead them out from the darknesses wherein they find themselves, and point out to them the luminous path whereon they ought to enter.

May God bless you through the years you have to live; may He bless you st the hour of death; may He come to your aid in that last hour and receive your souls, and make them enter triumphantly with Him Into beaven, there to enjoy Him through sermal ages.